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**From:** Acevedo, Janie [Acevedo.Janie@epa.gov]  
**Sent:** 12/31/2020 9:14:45 PM  
**To:** Schoellkopf, Lynde [Schoellkopf.Lynde@epa.gov]; Smith, Suzanne [Smith.Suzanne@epa.gov]; McAtee, Jeffrey [McAtee.Jeffrey@epa.gov]  
**CC:** Taheri, Diane [Taheri.Diane@epa.gov]  
**Subject:** RE: DRAFT Desk Statement for The State of New Mexico vs Sterigenics.docx

Looks good to me.....

On December 22, 2020, the State of New Mexico filed a lawsuit (complaint) in state court against Sotera Health Company, the parent company of Sterigenics, a medical equipment sterilizing company. The lawsuit specifically addresses a Sterigenics facility in Santa Teresa, Dona Ana County, NM and asks the court for relief from potential health risks from emissions of ethylene oxide. On December 28, 2020, Sterigenics filed to move the lawsuit to federal court in the U.S. District Court, District of New Mexico (Las Cruces) while the State of New Mexico ask that the case remain at the state level. The Sterigenics Santa Teresa facility does not have any Federal air permits. The New Mexico Environmental Department issued a state air permit to the facility.

As EPA pursues its mission to protect human health and the environment, addressing emissions of ethylene oxide remains a major priority for the Agency. Ethylene oxide is classified by Congress in the Clean Air Act as a "hazardous air pollutant" (or "air toxic").

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**From:** Schoellkopf, Lynde <Schoellkopf.Lynde@epa.gov>  
**Sent:** Thursday, December 31, 2020 3:03 PM  
**To:** Smith, Suzanne <Smith.Suzanne@epa.gov>; McAtee, Jeffrey <McAtee.Jeffrey@epa.gov>  
**Cc:** Taheri, Diane <Taheri.Diane@epa.gov>; Acevedo, Janie <Acevedo.Janie@epa.gov>  
**Subject:** RE: DRAFT Desk Statement for The State of New Mexico vs Sterigenics.docx

small tweaks:

**The State of New Mexico v. Sterigenics U.S., LLC – DRAFT Desk Statement**

On December 22, 2020 the State of New Mexico filed a lawsuit (complaint) in state court against Sotera Health Company, the parent company of Sterigenics, a medical equipment sterilizing company. The lawsuit specifically addresses a Sterigenics facility in Santa Teresa, Dona Ana County, NM and asks the court for relief from potential health risks from emissions of ethylene oxide. On December 28, 2020, Sterigenics filed to move the lawsuit to federal court in the U.S. District Court, District of New Mexico (Las Cruces) while the State of New Mexico ask that the case remain at the state level. The Sterigenics Santa Teresa facility does not have any Federal air permits. The New Mexico Environmental Department issued a state air permit to the facility.

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**From:** Smith, Suzanne <Smith.Suzanne@epa.gov>  
**Sent:** Thursday, December 31, 2020 2:57 PM  
**To:** McAtee, Jeffrey <McAtee.Jeffrey@epa.gov>; Schoellkopf, Lynde <Schoellkopf.Lynde@epa.gov>  
**Cc:** Taheri, Diane <Taheri.Diane@epa.gov>; Acevedo, Janie <Acevedo.Janie@epa.gov>  
**Subject:** RE: DRAFT Desk Statement for The State of New Mexico vs Sterigenics.docx

I think it's fine. (b) (5)

Suzanne J. Smith | Deputy Regional Counsel  
Office of Regional Counsel | EPA Region 6 | 214.665.8027

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**From:** McAtee, Jeffrey <McAtee.Jeffrey@epa.gov>  
**Sent:** Thursday, December 31, 2020 2:43 PM  
**To:** Smith, Suzanne <Smith.Suzanne@epa.gov>; Schoellkopf, Lynde <Schoellkopf.Lynde@epa.gov>  
**Cc:** Taheri, Diane <Taheri.Diane@epa.gov>; Acevedo, Janie <Acevedo.Janie@epa.gov>  
**Subject:** FW: DRAFT Desk Statement for The State of New Mexico vs Sterigenics.docx  
**Importance:** High

Suzanne and Lynde,  
Here's what we've got. Does this look accurate/complete enough? If you see any spots that need changing, please let me know before 3pm, so we can make Ken's deadline.  
Thanks!  
Jeff

#### **The State of New Mexico v. Sterigenics U.S., LLC – DRAFT Desk Statement**

On December 22, 2020, the State of New Mexico filed a lawsuit (complaint) under state law against Sotera Health Company, the parent company of Sterigenics, a medical equipment sterilizing company. The suit specifically addresses a Sterigenics facility in Santa Teresa, Dona Ana County, NM and potential health risks from emissions of ethylene oxide. On December 28, 2020, Sterigenics filed to move the lawsuit to U.S. District Court, District of New Mexico (Las Cruces). The Sterigenics Santa Teresa facility does not have any Federal air permits. The New Mexico Environmental Department issued a state air permit to the facility.

As EPA pursues its mission to protect human health and the environment, addressing emissions of ethylene oxide remains a major priority for the Agency. Ethylene oxide is classified by Congress in the Clean Air Act as a "hazardous air pollutant" (or "air toxic").